

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sarah LePage	Team: Team # 3	CCRB Case #: 200407548	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/31/2004 1:30 AM	Location of Incident: 80 Grove Street	Precinct: 06	18 Mo. SOL 1/31/2006	EO SOL 1/31/2006	
Date/Time CV Reported Mon, 08/02/2004 9:50 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/04/2004 3:19 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Seth Lynch	00000	932932	006 PCT
2. POM Kevin Coleman	00000	932479	006 PCT
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Wilson Vernelly	19278	929308	006 PCT
2. SGT Peter Chambertides	04701	903599	006 PCT
3. SGT Thomas Iliceto		881864	
4. POM Patrick Stthomasiv	22852	932007	006 PCT
5. LT Joseph Rositano	00000	878510	006 PCT
6. POM Daniel Alessandrino	17500	929600	006 PCT
7. POM John Batanus	00032	901155	006 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Seth Lynch	Discourtesy: Officer Seth Lynch spoke obscenely to § 87(2)(b) and § 87(2)(b)	
B.POM Seth Lynch	Abuse: Officer Seth Lynch forcibly stopped § 87(2)(b)	
C.POM Kevin Coleman	Abuse: Officer Kevin Coleman forcibly stopped § 87(2)(b)	
D. Officers	Force: Officers used physical force against § 87(2)(b)	
E. Officers	Force: Officers used physical force against § 87(2)(b)	
F. Officers	Force: An officer used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G. Officers	Discourtesy: Officers spoke obscenely to § 87(2)(b) and § 87(2)(b)	
H. Officers	Off. Language: Officers made remarks to § 87(2)(b) § 87(2)(b) and § 87(2)(b) based upon ethnicity.	
I. Officers	Abuse: Officers did not process § 87(2)(b) s complaint regarding officers.	
J.POM Seth Lynch	Force: Officer Seth Lynch used physical force against § 87(2)(b)	

Synopsis

On July 31, 2004 at approximately 2:00 AM, § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) (last name unknown) and a few other friends (names unknown) parked their car outside of 80 Grove Street in Manhattan. They were talking and laughing when § 87(2)(b) alleged that Officer Seth Lynch told them to “shut the fuck up” (allegation A). When the group continued laughing and walking, Officer Lynch grabbed § 87(2)(b) by the wrist to stop her and asked her identification, which she provided (allegation B). § 87(2)(b) stated that she refused and walked away saying the officers had no probable cause. § 87(2)(b) said that as she walked away, an officer (Officer Coleman) grabbed her by the wrist and then pushed her against a wall, causing a scratch on her shoulder (allegation C). She also alleged that several more unidentified officers arrived, that an officer in plainclothes punched § 87(2)(b) in the face and other officers kicked his legs to get him onto the ground (allegation D). Then more officers threw § 87(2)(b) on the ground and kicked her several times (allegations E and F). They handcuffed her and brought her to the station house where EMS treated her for cuts. She also alleged that an officer pushed her while escorting her to the bathroom and that when § 87(2)(b) asked an officer at the desk to file a civilian complaint that he refused and told her to “get the fuck out” and called them “fucking spics” (allegations G, H and I). § 87(2)(b) also stated that an officer shoved her while escorting her to the bathroom (allegation J). § 87(2)(b) and § 87(2)(b) were arrested § 87(2)(a) 160.50

§ 87(2)(b), § 87(2)(g)

Summary of Complaint

On October 5, 2004, § 87(2)(b) a § 87(2)(b) -old black female, was interviewed at the CCRB in the presence of her attorney, § 87(2)(b) § 87(2)(b) (enc. 9). § 87(2)(b) also appeared at the CCRB for an interview, § 87(2)(b), § 87(2)(g), § 87(2)(a) Gen.Mun. §50-H(3)

On July 31, 2004 at approximately 2:00 AM, § 87(2)(b) her boyfriend § 87(2)(b), § 87(2)(b), § 87(2)(b) (last name unknown), § 87(2)(b), § 87(2)(b) and § 87(2)(b)'s cousin § 87(2)(b) (last name unknown), left the Mustang Grill at 85th Street and 2nd Avenue in Manhattan. § 87(2)(b) did not drink anything that night. § 87(2)(b) had been drinking but § 87(2)(b) did not know how much. § 87(2)(b) wanted to get a tattoo and they knew that tattoo parlors were open late in Greenwich Village. § 87(2)(b) was driving an SUV and they were headed somewhere in Greenwich Village (exact location unknown).

When they arrived at their destination, § 87(2)(b) parked his car on the street. They all exited the vehicle and § 87(2)(b) and § 87(2)(b) walked ahead of the crowd because they knew where to go. § 87(2)(b) and § 87(2)(b) were laughing and cracking jokes when she heard Officer Lynch (identified by his nameplate, male, white, 5’7”, 140 lbs., reddish-brown hair, in uniform) tell them to “shut the fuck up.” § 87(2)(b)

and § 87(2)(b) were on the sidewalk, walking at the back of the group and Officer Lynch was in the street about to step on the curb. He was about ten feet away from them to the right of them. Officer Lynch and PO#2 (male, white, 5'5", black hair, 145 lbs., identified by the CCRB as Officer Kevin Coleman) approached them. There were a lot of people making noise outside because there was a bar on the corner. Officer Lynch told them that there were residents living above where they were walking.

§ 87(2)(b) and § 87(2)(b) looked at each other and § 87(2)(b) (called "§ 87(2)(b)" from now on) said something about "41 shots", which she said to her friends, not to the officers. They were laughing and continued to walk. Officer Lynch followed them for a few steps, then caught up with § 87(2)(b) grabbed her upper arm from behind with one hand to turn her and asked her for identification. § 87(2)(b) asked Officer Lynch why he was asking § 87(2)(b) for identification and Officer Lynch did not respond. § 87(2)(b) saw § 87(2)(b) go into her wallet and she assumed that she gave Officer Lynch her identification. § 87(2)(b) told § 87(2)(b) that she did not have to show Officer Lynch identification because he had no probable cause and then § 87(2)(b) said, "I'm gonna just walk away because I don't have time for this." § 87(2)(b) did not recall hearing Officer Lynch say anything else to § 87(2)(b). Officer Lynch did not say anything to § 87(2)(b).

§ 87(2)(b) continued to walk and two or three minutes later (later she said she only took a couple of steps), Officer Lynch grabbed § 87(2)(b) shoulder with both hands and pushed her back so that she faced him. Her back hit the wall, causing a small scratch. § 87(2)(b) pushed Officer Lynch back with both hands on his chest. § 87(2)(b) only pushed Officer Lynch enough to get him away from her. § 87(2)(b) was bending down, tying his laces and he looked up and said, "What the fuck are you doing to my girl?" The attention focused on him at that point so § 87(2)(b) continued to walk.

§ 87(2)(b) stepped into the street and intended to cross over to the other side. There were a lot of people in the street and on the sidewalk. An unmarked patrol car (black, 4-door, not a big car) was in the street and an officer in plainclothes (PO#3 white, male, blondish-brown hair, 5'8", stocky, no facial hair) exited the car from the driver's seat and he yelled something to § 87(2)(b). § 87(2)(b) did not notice whether other officers exited the unmarked car. PO#3 ran towards § 87(2)(b) and punched him in the jaw. More than 8 officers (descriptions unknown) jumped on § 87(2)(b). The officers kicked his legs to get him on the ground. Once he was on the ground the officers punched him more than ten times and turned him around so that they could get handcuffs on him. § 87(2)(b) did not see who put the handcuffs on § 87(2)(b). § 87(2)(b) did not try to fight back. He did not pull away or resist.

§ 87(2)(b) turned around and said, "What are you doing!" She made her way toward § 87(2)(b). § 87(2)(b) did not push any officers out of the way. Then more than one officer tripped her onto the ground so that she was faced down and she made contact with the sidewalk, causing scrapes on her chin. The officers kicked § 87(2)(b) in her legs and on her upper thigh more than fifteen times. § 87(2)(b) could not describe the officers but said they were in uniform and she did not see where they came from. The officers also punched § 87(2)(b) in her back more than ten times. She believed that she was punched and kicked so many times that there were more than four people striking her. An officer's knee was in her lower back for about two minutes. § 87(2)(b) was not trying to move around in any way. When the officers put handcuffs on her, she did not resist. People on the street said, "We see what you're doing to them." § 87(2)(b) was crying and § 87(2)(b) was also watching, but § 87(2)(b) did not know where § 87(2)(b) went. Once the handcuffs were on § 87(2)(b) the officers picked her up and PO#2 had her left arm.

PO#2 put her in the back of a marked patrol car that she had not seen before and he kicked her three times in the same spot on the back of her left calf as she was getting in. § 87(2)(b) did not kick PO#2 or do anything to provoke him to kick her. An unidentified young man said, "I saw what you did to her!"

§ 87(2)(b) was transported alone to the 6th Precinct and started crying. At the 6th Precinct a female officer (PO#4 white, short, 5'0", blonde hair, slim) told § 87(2)(b) that she was only going to be issued a summons. § 87(2)(b) did not see PO#4 before she arrived at the precinct. § 87(2)(b) was placed outside of the cell because there were men being held inside of it. She told an officer (PO#5 male, white, lieutenant, white shirt, moustache, stocky build, 6'2") that she needed an ambulance and PO#5 said, "No." Then § 87(2)(b) told PO#5 that she really needed to go to the hospital because she was in pain. Four or

five officers in uniform that were at the front desk and two lieutenants (white shirts) called § 87(2)(b) and § 87(2)(b) “fucking spics” and called § 87(2)(b) a “motherfucker.” § 87(2)(b) was getting loud and you could hear him from the front desk.

§ 87(2)(b), § 87(2)(b), § 87(2)(b) and everyone that was in the car arrived at the 6th Precinct and § 87(2)(b) heard one of the officers (PO#6 white, male, 5’7”, slim) tell them to “get the fuck out.” § 87(2)(b) wanted to file a complaint and PO#6 told her that she could not file a complaint and to “get the fuck out” again. After § 87(2)(b) was at the 6th Precinct for about twenty minutes, an ambulance arrived with two EMTs (EMT1 male, Hispanic, moustache and EMT2 white, male, stocky). She had scrapes on the right side of her chin and bruises on her arms and her pelvic bone hurt. Her right shoulder was scraped. § 87(2)(b) did not know whether the EMTs witnessed any of the discourtesies.

Two male officers escorted § 87(2)(b) to § 87(2)(b). The doctors cleaned her up, gave her one ibuprofen and released her to the officers, who took § 87(2)(b) back to the 6th Precinct. Back at the 6th Precinct, § 87(2)(b) asked another female officer to take her to the ladies room, but she said “no” and so PO#2 took her, which she did not like. When he put the handcuffs on her wrists, PO#2 made them very tight. § 87(2)(b) asked PO#2 to loosen the handcuffs and he ignored her, but he did not tighten them. On the way to the restrooms, PO#2 shoved § 87(2)(b) twice. § 87(2)(b) was not resisting and had no reason not to cooperate, especially since she needed to use the restroom. § 87(2)(b) asked the officers that were watching the cells if she could make a phone call and they refused to let her. Two officers from IAB arrived at the 6th Precinct to take a statement from her. § 87(2)(b) was charged § 87(2)(a) 160.50. § 87(2)(b) took Motrin for a week after the incident.

50-H Hearing Transcripts

§ 87(2)(b), § 87(2)(g)

§ 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(g) During her CCRB statement, § 87(2)(b) stated that § 87(2)(b) made a comment about “41 shots” after the officers approached them and then both of them walked away, § 87(2)(a) Gen.Mun. §50-H(3) § 87(2)(b) also quoted herself in her CCRB statement as saying, “I’m gonna just walk away because I don’t have time for this.” § 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(b) in her CCRB statement, § 87(2)(b) said that PO#2 (Officer Coleman) kicked her three times as she was getting into the patrol car.

§ 87(2)(b) said in her CCRB statement that EMS arrived § 87(2)(b) after she arrived at the precinct,

§ 87(2)(a) Gen.Mun. §50-H(3)

Results of Investigation

Civilian Statements

§ 87(2)(b)

On December 10, 2004, § 87(2)(b) was interviewed at the CCRB with the assistance of a Spanish-speaking interpreter, Investigator Izquierdo (enc. 10).

On July 31, 2004, § 87(2)(b) was with his friends, § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and another man and woman (names unknown) that he met that day. They were all in the car together, coming from somewhere uptown in Manhattan and they were relaxing, talking and joking. § 87(2)(b) had been drinking, but he was not drunk. § 87(2)(b) does not drink. They all exited the car and started walking without ever stopping and they were not being loud. Five feet in front of them there was a group of people being louder and § 87(2)(b) was just laughing. Two white male officers (PO#1 and PO#2) approached them and one of them told one of the women that he was with to “shut the fuck up.” § 87(2)(b) could not differentiate between the officers because “all white people look the same.” Since § 87(2)(b)’s back was to them, he did not see which officer said it and he did not know whom it was directed towards. They were standing outside of a club and people around were being disorderly, which might be why the officers wanted them to quiet down.

§ 87(2)(b) was walking towards the front of the group. PO#1 took § 87(2)(b) by the wrist and asked her for identification, which she provided but § 87(2)(b) said that the officers had no reason to ask for identification. The officers told § 87(2)(b) to stay, but she started to walk away because she said she had not done anything wrong. PO#2 took § 87(2)(b) by the arm and he pushed her twice. When the officers tried to put the handcuffs on § 87(2)(b) she pulled her hand away and then an officer grabbed her hand harder. She was still standing at that point. They could not handcuff her because she was pulling away so they threw her on the floor.

One of the officers threw § 87(2)(b) on the ground and the other officer put his knee in her back and handcuffed her. § 87(2)(b) was starting to walk around the corner and could not see well. § 87(2)(b) went over and tried to help § 87(2)(b), which is when an officer (PO#3 male, white, fat, 6’0”, plainclothes) punched him in the face with a closed fist. § 87(2)(b) was handcuffed before § 87(2)(b) was handcuffed. § 87(2)(b) did not see § 87(2)(b) being handcuffed, but said that the officer punched him after he was already handcuffed. After PO#3 punched § 87(2)(b) two officers pushed him against the car. The officer that punched § 87(2)(b) wanted to punch him again, but he didn’t.

Three officers in uniform took § 87(2)(b) and threw him up against the wall because he was nervous about what was going on and he approached § 87(2)(b). He did not want to make a complaint about being pushed against the wall. One of the officers was going to put handcuffs on § 87(2)(b) but then § 87(2)(b) told him to calm down and the officers left him alone. He was on the wall for 5-10 minutes and could not see what was happening to § 87(2)(b) and § 87(2)(b). When he finally turned around, § 87(2)(b) saw either PO#1 or PO#2 kick § 87(2)(b) while there were about ten officers on her and she was handcuffed.

At the precinct, § 87(2)(b) was asking for medical attention. § 87(2)(b) was not arrested, but he and § 87(2)(b) went to the precinct separately from the officers. § 87(2)(b) had scratches on her face, shoulder and hand. She was not bleeding. She was not seated in a cell, but was behind a bunch of officers who were behind the desk. PO#1 and PO#2 heard her ask for medical attention. § 87(2)(b) and his friends were asking the officers to get § 87(2)(b) medical treatment. § 87(2)(b) did not ask. § 87(2)(b) was asking the officers to take § 87(2)(b) in Spanish. Then later, EMS arrived and took care of her, but they did not take her to the hospital. They were at the precinct for about three hours. The officers told them to get out, but he did not hear them say anything else. He did not remember if they cursed and they were speaking English. He also did not know if his friends asked the officers if they could file a complaint because they were speaking in English.

§ 87(2)(b) and § 87(2)(b)

After several attempts to contact and schedule appointments with § 87(2)(b) and § 87(2)(b) the CCRB was unable to obtain sworn statements from them. On August 10, 2004, the CCRB left messages for § 87(2)(b) and contacted § 87(2)(b) who said she would call the CCRB the following day to schedule an interview. On August 11, 2004, first please call letters were sent to them. On August 19, 2004, the CCRB contacted § 87(2)(b) who scheduled an appointment for August 31, 2004, which she missed. On September 2, 2004, the CCRB left a message for § 87(2)(b) and sent her a missed appointment letter. On September 15, 2004, the CCRB left messages for § 87(2)(b) and § 87(2)(b). On September 23, 2004, the CCRB attempted to contact § 87(2)(b) and on September 24, 2004, he scheduled an appointment for October 5, 2004. Another message was left for § 87(2)(b) on September 28, 2004. On October 5, 2005, § 87(2)(b) appeared at the CCRB with § 87(2)(b) and § 87(2)(b). He was not interviewed. § 87(2)(b). He rescheduled his appointment for October 18, 2004. On October 15, 2004, the CCRB left another message for § 87(2)(b) and called § 87(2)(b) whose number was out of service. § 87(2)(b) missed his October 18, 2004 appointment and his phone number was still out of service so a missed appointment letter was sent to him. After searching in the Cole's Directory, no additional phone number was found for § 87(2)(b). A final message was left for § 87(2)(b) on October 25, 2004 (enc. 34).

§ 87(2)(b), § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) was unable to provide any contact information for § 87(2)(b), § 87(2)(b) or § 87(2)(b). A search of Metro Search, DMV and whitepages.com revealed no listings of § 87(2)(b) or any variation thereof (enc. 34).

Additional Witness Contacts

On June 2, 2005, the CCRB contacted Monster, which is a restaurant located at 80 Grove Street. § 87(2)(b) did not recall the incident and was unable to determine who worked that night (enc. 34).

EMT § 87(2)(b)

The CCRB subpoenaed the ambulance call report related to this incident and contacted EMT § 87(2)(b) over the phone. The other EMT that responded to the incident had left the job and no contact information was known for him. EMT § 87(2)(b) did not recall anything specific about the incident. He said that if he had heard the officers making derogatory comments to § 87(2)(b) or her friends, he probably would have remembered. § 87(2)(b), § 87(2)(g)

Officer Identification

§ 87(2)(b) identified Officer Seth Lynch by his nameplate. She stated that Officer Lynch told her to “shut the fuck up” and that he grabbed § 87(2)(b)'s arm to stop her. Officer Kevin Coleman was Officer Lynch's partner according to 6th Precinct Roll Call and officer statements. Officer Coleman is identified as PO#2. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) also said that PO#2 (Officer Coleman) shoved her twice while escorting her to the bathroom. However, Officer Coleman denied escorting her, but Officer Lynch stated that he took her to the bathroom. § 87(2)(g)

Several attempts were made to schedule a photographic viewing with § 87(2)(b) in order to identify the subject officers of the remaining allegations. Her phone number was out of service from when the CCRB attempted to contact § 87(2)(b) from November 2004 to May 2005, when her attorney, § 87(2)(b) provided a new contact number for her. On July 5, 2005, the CCRB contacted § 87(2)(b) in an attempt to schedule a photographic viewing and § 87(2)(b) wished to coordinate a time for an appointment with her attorney and said she would let me know. § 87(2)(b) phone number was disconnected again on July 20,

2005, when the CCRB followed up with § 87(2)(b). Her attorney did not have an alternate phone number for § 87(2)(b). On August 8, 2005, the CCRB called § 87(2)(b) to view photographs also and he was with § 87(2)(b). They scheduled an appointment for August 25, 2005 with § 87(2)(b), which they missed. § 87(2)(b), § 87(2)(b) and § 87(2)(b) were contacted several more times and were informed that if they did not contact the CCRB, the case would be closed without them viewing officer photographs.

The allegations of force against “officers” have been classified into three separate allegations. § 87(2)(b)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)

Officer Statements

Officer Seth Lynch

On November 23, 2004, Officer Lynch was interviewed at the CCRB (enc. 11).

On July 31, 2004, Officer Lynch worked from 5:30 PM to 3:40 PM on August 1, 2004. He was assigned to a foot post, which was special post 5 with Officer Coleman. They were in uniform.

He read the following relevant memo book entries. “I did observe a disorderly group in front of 80 Grove Street who were a group, but they continued to be disorderly. Asked group to present identification, but two refused. When informed that they would be placed under arrest, they began flailing their arms in a violent manner, refusing to be handcuffed.”

Officer Lynch and Officer Coleman were walking down Christopher Street, when they heard a large group on Grove Street, which was on the other side of a park, about less than a half a block. They listened to the noise for a couple of seconds and it did not sound like it was going to abate any time soon, so they walked over to ask the group of about five people to please quiet down because there were a couple of residential buildings nearby. They continued to be loud and disorderly. They were being louder than other people on the street were.

They started to walk a little bit, but they were still being loud. Officer Lynch asked them to quiet down again and the group became antagonistic. He did not recall specifically what the individuals were saying. The officers did not tell them to “shut the fuck up.” There was a group of three people that they were dealing with at that time because the other individuals were quiet. Officer Lynch asked them to present identification and one female (identified as § 87(2)(b)) provided her identification. Neither of the officers made any physical contact with § 87(2)(b) in order to stop her. She was compliant. A male (identified as § 87(2)(b)) and female (identified as § 87(2)(b)) refused to provide identification and began screaming and cursing. The officers told them that they would be placed under arrest and they became more agitated by screaming and cursing. Specifically, § 87(2)(b) said that the officers did not have probable cause to stop them. Officer Lynch did not see Officer Coleman grab § 87(2)(b) at any point to stop her nor did he see Officer Coleman push § 87(2)(b) against the wall.

The officers separated a few feet at that point and Officer Coleman was more involved with § 87(2)(b) while Officer Lynch dealt with § 87(2)(b). Officer Lynch told § 87(2)(b) to turn around to be placed under arrest. § 87(2)(b) was very agitated. His entire body language looked like he was ready to start a violent encounter or start a fight. Officer Lynch said that § 87(2)(b) was less than a foot away from him and he felt threatened by him. § 87(2)(b) told Officer Lynch that he couldn’t arrest him, that he was just a rookie and that he did not know whom he was dealing with. Officer Lynch stated that he was intimidated. § 87(2)(b) kept saying Officer Lynch’s name and the fact that he was a rookie multiple times. § 87(2)(b) said that § 87(2)(b) § 87(2)(b) he would be fired if he were to place him under arrest.

§ 87(2)(b) was bigger than Officer Lynch was § 87(2)(b) was between 6’2” and 6’4” and Officer Lynch is 5’11”) and he seemed like he was ready to fight. Officer Lynch turned to Officer Coleman and

said, “Kevin, forget about that right now. Just come over here and help me out with this.” Officer Coleman seemed like he was having trouble of his own. At some point, Officer Coleman put over a 10-85 and a lot of units arrived at the scene. Officer Lynch was still dealing with § 87(2)(b) so he did not realize what else was going on.

Two male officers in plainclothes (names unknown) drove up in an unmarked car. Officer Lynch could not describe the officers that responded to the call for assistance. He said that he had never seen them before the incident and has not seen them since and he could not describe them. They got out and saw that § 87(2)(b) and Officer Lynch were involved in a confrontation. Officer Lynch might have tried to reach for § 87(2)(b) arm, which he moved around, but Officer Lynch did not make physical contact with him otherwise. § 87(2)(b) was pushing his arms back, flailing them. Officer Lynch did not want to get any closer to § 87(2)(b). § 87(2)(b) went over to the officers in plainclothes, who looked older, and said that Officer Lynch did not know what he was doing and he could not arrest him. The plainclothes officers pushed § 87(2)(b) to the ground by grabbing his arms. Officer Lynch fell with him onto the ground. § 87(2)(b) was struggling with the officers as they tried to handcuff him. Officer Lynch did not see any officers kick or punch him. They rear cuffed him and placed him under arrest.

Officer Lynch did not see what happened to § 87(2)(b) because he was focused on § 87(2)(b). Officer Lynch did not see her being handcuffed and he did not witness § 87(2)(b) being escorted to the patrol car. Officer Lynch went in a patrol car with § 87(2)(b) to the station house. He did not know what happened to Officer Coleman or § 87(2)(b). Officer Lynch did not make any physical contact with § 87(2)(b) other than when he fingerprinted her at the station house. § 87(2)(b) did not calm down at the precinct, but he did not seem to have been intoxicated.

§ 87(2)(b) did not ask Officer Lynch for medical attention. Officer Lynch remembered that EMS responded soon after they arrived at the station house but Officer Lynch did not know who called them. Officer Lynch did not hear any officers at the desk call § 87(2)(b) friends “fucking spics.” Officer Lynch said that some of the escorting officers were Hispanic and it would not have made sense for them to make such an ethnic remark. He did not hear any officers call § 87(2)(b) a “motherfucker.”

Officer Lynch escorted § 87(2)(b) to the restroom at one point when she was in a cell because there were no female officers in the station house at that time. § 87(2)(b) had calmed down at that point. Officer Lynch did not push her and in fact, he was embarrassed about having to bring her to the ladies room. Officer Lynch did not know whether any other officers escorted § 87(2)(b) to the ladies room at any point.

When § 87(2)(b) and § 87(2)(b) friends arrived, they were looking for a bag that Officer Lynch was going to voucher. One of the individuals asked for § 87(2)(b) keys and Officer Lynch did not want to give them to him because § 87(2)(b) had requested to call internal affairs saying that he stole money from him. He did not think it would be prudent for him to give her stuff away. Officer Lynch did not hear the friends ask to file a complaint. He also did not hear any officers tell the friends to “get the fuck out.”

Officer Lynch saw a bruise on § 87(2)(b) (location of bruise unknown), which was medically cleared by EMS. Officer Lynch did not remember whether she was taken to the hospital. Officer Lynch saw a scrape on her back, but he did not see how she sustained it.

Officer Kevin Coleman

On December 16, 2004, Officer Coleman was interviewed at the CCRB (enc. 12). § 87(2)(g)

Officer Coleman read the following memo book entries. “At 0140, two females and one male were acting disorderly on Grove Street (80). We did observe this from Christopher Street. Officer Lynch and I approached the defendants and told them to be quiet as there are residents trying to sleep. The defendants proceeded to walk away, cursing and responding negatively. We then asked them for ID in order to write them c-summonses § 87(2)(a) 160.50. One female presented ID to Officer Lynch. A male and a

female did not, refusing to present ID. While Lynch dealt with the male, I dealt with the female. I told the female that if she did not present her ID that I would be forced to bring her into the station house. She told me, "You don't have probable cause to ask me for my ID. You don't know who you're messing with." I told her that she was not free to walk away as she continued to walk away from me. I then told her to turn around and placed her under arrest. She did not comply. I put my hands on her arms and she resisted and waved her arms away saying, "Don't touch me." I called an 85 and she continued to walk away. I told her again, "You're not free to go. You are under arrest." I then contained her. Soon, several cops responded to the 85 and immediately tackled her to the ground and cuffed her when she resisted with them. The arrest time was at 0155."

Officer Coleman stated that he asked § 87(2)(b) and her friends to be quiet by saying something like, "Excuse me folks. Can you please quiet down because this is a residential area and people are trying to sleep." Officer Coleman said that Officer Lynch did not say anything to them. Officer Coleman corroborated that one female complied and that § 87(2)(b) and § 87(2)(b) refused. He also said that at that point, he had probable cause to stop § 87(2)(b) and § 87(2)(b) and to ask them for identification because they had committed a violation. Officer Coleman spoke with § 87(2)(b) and then all of a sudden, she and § 87(2)(b) started walking away. Officer Coleman asked § 87(2)(b) to stop at least four times and she kept walking. The officers followed § 87(2)(b) and § 87(2)(b) and Officer Coleman placed his hands on § 87(2)(b) forearm while facing her and she pulled them away and said, "Don't touch me." Officer Coleman called for assistance at that point. Officer Coleman did not make any other physical contact with § 87(2)(b) and did not even know if he had her hands fully on her because she pulled away so quickly. Officers in plainclothes and uniform arrived at the location, including Sergeant Chambertides, Sergeant Ilicito and Officer St. Thomas.

Officer Coleman stepped away from the group of officers and when he turned around to see what was going on, he saw a bunch of officers struggling with § 87(2)(b). When asked about his memo book entry about the officers "tackling" § 87(2)(b) to the ground, Officer Coleman said that when he turned around, there were a bunch of officers grabbing § 87(2)(b) and she was clearly resisting and they brought her to the ground. Officer Coleman did not see how, but the officers also had § 87(2)(b) on the ground and they were handcuffing him. Officer Coleman did not know which officers were struggling with § 87(2)(b) and § 87(2)(b). Officer Coleman never pushed § 87(2)(b) against a wall. He did not see any officers kick § 87(2)(b) or § 87(2)(b). He did not see any officers punch § 87(2)(b) in the face. Officer Coleman did not see § 87(2)(b) being placed in the patrol car.

At the 6th Precinct, Officer Coleman did not hear § 87(2)(b) ask for medical assistance, but EMS was called. § 87(2)(b) only had a bruise on her arm and possibly her leg. § 87(2)(b) friends arrived at the precinct and they were asked to leave several times. They left the station house and returned more than once. Officer Coleman did not hear any of the civilians ask to file a complaint. He also did not hear any officers call § 87(2)(b) a "motherfucker." Officer Coleman did not escort § 87(2)(b) to the ladies room at any point. He recalled that when they arrived at the station house, a female officer brought § 87(2)(b) to the ladies room. No one pushed her. EMS arrived and treated § 87(2)(b).

Officer Patrick St. Thomas IV

On March 16, 2005, Officer St. Thomas IV was interviewed at the CCRB (enc. 15). He read the following memo book entries. "At 0150 hours, 10-85 (call for assistance) Grove Street and West 4th Street, post 5. At 0151, 10-84 (arrived at location), observed male look as if he was going to punch at Officer Lynch. When Officer Lynch attempted to place him under arrest, a female started to go after Officer Lynch and Officer Coleman. After refusing to leave, female did resist by refusing to comply with officers orders to remove her arms from under her body and attempting to bite my arm during this time. Female under, by post 5 also to stationhouse. At 0205, 98 (on patrol). At § 87(2)(b), one female prisoner from above incident transported to § 87(2)(b). At § 87(2)(b), 84 (arrived) at the hospital. 0400, 98 (resumed patrol)."

On July 31, 2004, Officer St. Thomas worked with Officer Daniel Alessandrino. They worked in uniform and were assigned to post 48. Officer St. Thomas and Officer Alessandrino responded to a call for assistance. When they arrived, Officer Lynch was attempting to place the male under arrest. Officer St.

Thomas did not recall for sure, but he assumed by what he wrote in his memo book that the male had a clenched fist, held back to the side. He resisted having the handcuffs placed on him and was screaming and yelling at the officers, but Officer St. Thomas did not recall exactly what he said. The male was making motions towards officers. Officer St. Thomas did not independently recall which other officers were present. There were many officers there, but an exact number was unknown. Officer St. Thomas went right up to the male and attempted to handcuff him but there were so many officers that he could not get to the male. It took several officers to handcuff the male and Officer St. Thomas did not recall whether the male was ever on the ground. The female was interfering with the arrest by moving towards the officers that were handcuffing the male and was yelling at them, telling them to stop arresting him. The female was told to leave more than three or four times and to step back by other officers. The male was under control, so Officer St. Thomas directed his attention towards the female.

Officer St. Thomas was the first officer to make physical contact with the female. He told her to put her hands behind her back, he grabbed one of her arms to gain control of her and she refused to give him her arm. The female kept swinging around in a circle. She started to go down to the ground and she was putting her arms in front of her so that the officers could not get to her arms and she lied down on her arms. Officer St. Thomas did not recall exactly how she got onto the ground, but no one pushed her onto the ground. Officer St. Thomas was struggling with her and she lied down. Officer St. Thomas was holding the female's arm from the side near her upper arm and shoulder and she tried to bite his hand. The female did not actually make contact with Officer St. Thomas' hand because he saw her mouth moving towards him and he moved his arm away, towards her elbow. The officers got the female's arms out from under her by pulling her arm out from under the body and placing her arm directly behind her back. They placed her in handcuffs and placed her in a patrol car. Several officers assisted in handcuffing the female. Officer St. Thomas did not recall whether he specifically placed her in the patrol car. Then the female was transported to the station house. Officer St. Thomas did not recall exactly what Officer Alessandrino was doing.

Officer St. Thomas did not see any officers, specifically in plainclothes, punch the male in the face at any time. Officer St. Thomas did not have his knee in the female's back and he did not see any other officers with their knee in her back. Officer St. Thomas did not kick the male or female and did not see any officers do so. Officer St. Thomas does not even carry his nightstick normally and he did not use it and did not see any other officers use it against the male or female.

Officer St. Thomas did not recall what happened at the station house. He went back on patrol at 2:00 PM and at § 87(2)(b), he was called back to the station house and he and Officer Alessandrino took the female to the hospital. Officer St. Thomas did not recall when the female requested medical attention or if she asked him. He thought she was complaining about an arm injury, specifically a scratch on her arm. The arresting officer prepared a medical treatment of prisoner form, which might be at central booking. Officer St. Thomas did not recall seeing any of the male or female's friends at the station house.

Officer St. Thomas did not hear any officers curse at any civilians throughout the incident. He did not hear any civilians ask to file a complaint. At the precinct, he did not hear any officers call any civilians "fucking spics."

Officer Daniel Alessandrino

On March 30, 2005, Officer Alessandrino was interviewed at the CCRB (enc. 16). He worked with Officer St. Thomas in uniform. Officer Alessandrino did not have any entries in his memo book related to this incident. He was the operator of marked patrol van 5966. § 87(2)(g). Officer Alessandrino described how the officers took C#1 (identified by the CCRB as § 87(2)(b)) to the ground. He stated that C#1 was flailing his arms, pulling them away and was twisting his body in order to avoid being handcuffed. One of C#1's arms got free and two officers (names unknown) assisted the original two male officers in taking C#1 to the ground in a safety position by bringing his arms back and then holding his shoulder, bringing him down to the ground slowly and placing him in handcuffs. Officer Alessandrino did not see any officers kick C#1's legs to get him down. After one of C#1's hands was cuffed, a female that was with him (C#2, identified by the CCRB as § 87(2)(b)) tried to stop the officers from placing C#1 under arrest by

grabbing one of the officers and separating them from C#1. C#2 approached Officer St. Thomas on his gun side and tried to grab him to stop him from going there. Officer St. Thomas and another officer (name unknown) grabbed C#2's arms and placed her on the ground on her stomach very easily. As Officer St. Thomas tried to place handcuffs on C#2, she tried to bite him and he pulled his hand back. Officer Alessandrino helped Officer St. Thomas lift C#2 off of the ground and place her into a marked patrol car, which was not theirs. Neither of the officers kicked C#2 while placing her in the patrol car. In fact, she was cooperative and Officer Alessandrino placed his hand on her head so that she would not hit her head on the top of the car while getting in. C#1 was still on the ground at that point because he was twisting his body and the officers were having trouble lifting him because he was not cooperating.

Another unit transported C#2 to the stationhouse and Officer Alessandrino and Officer St. Thomas resumed patrol, but were later called to the stationhouse. At the stationhouse, Officer Alessandrino did not see any of C#1 or C#2's friend asking to file a complaint. He also did not hear any officers call them "fucking spics." He did not escort C#2 to the restroom and did not hear her ask for medical attention, but assumed that she did because they were called back to the stationhouse to take her to the hospital. C#2 had minor scrapes and skin irritations on her elbow and possibly her knee. Officer Alessandrino did not see how C#2 sustained these injuries. Officer Alessandrino did not know the names of any other officers that arrived. He did not see any officers punch, kick, knee or use nightsticks on C#1 or C#2. Officer Alessandrino did not see any officers punch C#1 in the jaw and he did not hear any officers curse, but there was a lot of screaming going on so he could not hear clearly what was being said.

Sergeant Peter Chambertides

On January 19, 2005, Sergeant Chambertides was interviewed at the CCRB (enc. 13). He was assigned as the patrol supervisor on July 31, 2004 and his partner was Officer Michael Reilly. Sergeant Chambertides' memo book entries indicated that at 1:52 AM, there was a call for assistance at West 4th Street and Grove Street and at 1:56 AM, an arrest was made. Sergeant Chambertides did not recall the incident. He assumed from his memo book entries that he had only verified the arrest. Sergeant Chambertides did not recall going to the 6th Precinct and he did not recall which other officers responded to the call for assistance.

Officer John Batanus

On July 20, 2005, Officer Batanus was interviewed at the CCRB (enc. 20). Officer Batanus worked from 5:30 PM on July 30, 2004, to 5:05 AM on July 31, 2004. He was assigned as the cabaret sergeant, Sergeant Ilicito's driver. Sergeant Ilicito has since retired. Officer Batanus worked in uniform and was assigned to a marked patrol car. Officer Batanus had no entries in his memo book related to this incident and he did not recall the incident.

Officer Wilson Vernelly

On January 19, 2005, Officer Vernelly was interviewed at the CCRB because the relevant Sprint Printout indicated that sector D responded to the call for assistance and Officer Vernelly was assigned to sector DGI with Officer Luffi (enc. 14). They worked in uniform. Officer Vernelly had no entries in his memo book related to this incident and he did not recall it. He did not recall being in the vicinity of 80 Grove Street or back at the 6th Precinct stationhouse on July 31, 2004.

Conditions/Anti-Crime Officers

Memo books were ordered for Officer Jesse Ankele, Officer William McLee, Officer Valdemar Bernardes, who were assigned to conditions/anti-crime during Tour 1. They were conducting a prostitution operation and did not have any entries in their memo books related to this incident. They had arrests at 2:20 AM (Jane Street and Washington Street) and at 3:25 AM (Gansevoort Avenue and Hudson) (enc. 17-19). They were not interviewed by the CCRB.

Lieutenant Joseph Rositano and Sergeant Thomas Ilicito

Lieutenant Rositano was assigned as the desk officer according to Tour 1 roll call, working from 11:35 PM on July 30, 2004 to 7:05 AM on July 31, 2004. Sergeant Ilicito was assigned as the cabaret supervisor, working from 5:15 PM to 2:12 AM, according to Tour 3 roll call. On September 1, 2005, MAS confirmed that Lieutenant Rositano was on pre-separation leave since June 13, 2005 and his retirement date is December 15, 2005. Sergeant Ilicito retired on February 1, 2005 (enc. 34 & 36).

Ambulance Call Report (ACR)

The ACR for this incident was obtained and indicated that EMS responded to the 6th Precinct, which is located at 233 West 10th Street, at § 87(2)(b). § 87(2)(b) chief complaint upon arrival was, "My shoulder hurts." In the comments section, it states, "§ 87(2)(b) old female, left shoulder pain while being placed in custody by PD. No obvious wounds visible. Negative bruising, negative bleeding, negative abrasion or laceration, negative deformity. Patient has full range of motion of extremity." § 87(2)(b) was escorted by Officer St. Thomas to § 87(2)(b) (enc. 21).

Certified Medical Records

§ 87(2)(b) was transported to § 87(2)(b) directly from the 6th Precinct and then visited § 87(2)(b) later on § 87(2)(b). Certified medical records were subpoenaed from § 87(2)(b) and from § 87(2)(b). After several attempts to retrieve records from § 87(2)(b) they were never received. Certified medical records were obtained from § 87(2)(b) which stated, "§ 87(2)(a) § 87(2)(b) She was diagnosed with musculoskeletal pain and was prescribed with Motrin. It also indicates that § 87(2)(b) was treated and released from § 87(2)(b) for the same injuries (enc. 22).

Police Documents

The Sprint Printout for this incident indicates that at 1:50 AM on July 31, 2004, 10-13 U2 (call for assistance of police officer outside) was called because an officer was fighting on between Grove Street and West 4th Street. It also indicated that the following units were at the location: 6PP5 (foot post 5), 6ST1 (sergeant) and sector 6D. At 1:54 AM, no further to location, just a disorderly group (enc. 24).

At § 87(2)(b) is EMS needed. 6SP7 10-89 (other interim status), conditions auto transport 1 for post 5. § 87(2)(b) in 80 Grove Manhattan. No EMS needed at location.

At 1:56 AM, ambulance not sent.

At 7:50 AM, 6PP5 crime arrest and complaint report prepared (10-92C and 10-93C).

§ 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

The 6th Precinct Tour 3 Roll Call for July 30, 2004 indicated that Sergeant Ilicito was the cabaret sergeant and was scheduled to work until 2:00 AM. His operator was Officer Batanus. Officer Lynch and Officer Coleman were assigned to foot post 5. Officer Alessandrino and Officer St. Thomas were assigned to patrol car 5966 (enc. 25).

Tour 1 Roll Call for July 31, 2004 indicated that Lieutenant Rositano was the desk officer and Sergeant Chambertides was the patrol supervisor. Officer Luffi and Officer Vernelly were assigned to sector D.

Officer McLee, Officer Ankele and Officer Bernardes were assigned to the conditions/anti-crime unit (enc. 26).

The 6th Precinct Command Log indicates that § 87(2)(b) had an injured left shoulder and chin and that she was taken to § 87(2)(b) at § 87(2)(b) and returned to the 6th Precinct at § 87(2)(b) § 87(2)(b) physical condition was apparently normal and he had “no medical treatment request.” § 87(2)(b) and § 87(2)(b) were charged § 87(2)(a) 160.50 and were transported to Manhattan Central Booking at 11:20 AM (enc. 27).

The On Line Booking Sheet (OLBS) for § 87(2)(b) stated, “§ 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b) The OLBS for § 87(2)(b) stated,
“§ 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)” (enc. 29).

§ 87(2)(b) Arrest Report states that he was initially charged § 87(2)(a) 160.50
§ 87(2)(b)

Civilian Criminal Conviction History

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)

Subject Officers CCRB Histories

Officer Lynch and Officer Coleman have no substantiated complaints on their CCRB histories (enc. 4-5).

Conclusions and Recommendations

Undisputed and Disputed Facts

It is clear that Officer Lynch and Officer Coleman stopped § 87(2)(b), § 87(2)(b) and § 87(2)(b) for making noise and that § 87(2)(b) and § 87(2)(b) refused to provide their identification. It is also undisputed that § 87(2)(b) and § 87(2)(b) were arrested by being placed on the ground and that § 87(2)(b) received medical treatment while in custody.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Civilian Credibility

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b). She did, however, admit to the fact that when Officer Lynch asked her for identification, she refused and walked away from him. She also acknowledged that she pushed an officer back when he allegedly pushed her into the wall. § 87(2)(b), § 87(2)(g)
§ 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(b), § 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(b), § 87(2)(g)

He did not know whether his friends asked to file a complaint or whether the officers cursed at them at the precinct because they were speaking English and he could not understand them.

Officer Credibility

§ 87(2)(b), § 87(2)(g)

Officer Lynch admitted that § 87(2)(b) intimidated him, which is why the officers called for back up. Officer Coleman admitted to making physical contact with § 87(2)(b) when she walked away.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegation A: Officer Seth Lynch spoke obscenely to § 87(2)(b), § 87(2)(b) and

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation B: Officer Seth Lynch forcibly stopped § 87(2)(b)

Allegation C: Officer Kevin Coleman forcibly stopped § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

. After instructing the group to be quiet, they walked away, continuing to make noise and § 87(2)(b) stated that Officer Lynch grabbed § 87(2)(b) by the wrist to stop her, while Officer Lynch and Officer Coleman denied making any physical contact with her. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) said that an officer told § 87(2)(b) to stay and when she kept walking, he pushed her to stop her. Officer Coleman stated that as § 87(2)(b) walked away, he told her he was placing her under arrest and put his hand on her forearm to stop her from continuing forward. He said that he might not have even fully grasped § 87(2)(b) arm when she pulled it away from him. Officer Lynch did not see Officer Coleman make any physical contact with § 87(2)(b) because he was focused on § 87(2)(b)

According to medical records, § 87(2)(b) had no scrapes, but she had some pain in her shoulder, which was most likely sustained while she was being handcuffed. Patrol Guide 212-11 for Stop and Frisk states that “when a uniformed member of the service reasonably suspects a person has committed, is committing or is about to commit a felony or a Penal Law misdemeanor: 1. Stop person and request identification and

explanation of conduct” (enc. 1). Furthermore, a forcible (level III) stop is defined in *New York Search and Seizure* as a “limited seizure” when an officer “reasonably suspects such person is committing, has committed, or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law (enc. 2).” § 87(2)(b), § 87(2)(g)

Allegation D: Officers used physical force against § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) stated that an officer ran towards § 87(2)(b) and punched him in the face. § 87(2)(b) also said that more than eight officers took § 87(2)(b) to the ground and punched him more than ten times. § 87(2)(b) and § 87(2)(b) could not definitively describe the officer that punched § 87(2)(b) in the face or that punched him while he was on the ground. § 87(2)(b), § 87(2)(g)

Allegation E: Officers used physical force against § 87(2)(b)

Allegation F: An officer used physical force against § 87(2)(b)

§ 87(2)(b) admitted to pushing Officer Coleman back after he stopped her. She said she continued to walk and then an officer that she could not describe tripped her to the ground and that an officer’s knee was in her back. § 87(2)(b), § 87(2)(g)

The Police Student’s Guide on the use of force indicates that if a civilian does not respond to verbal persuasion, a command voice or firm grips, that compliance techniques may be used. § 87(2)(b), § 87(2)(g)

“Compliance techniques involve simply overpowering a resistant subject by forcing him or her against a wall or to the ground in ways that usually involve more than one officer and that do not inflict pain” (enc. 3 a). § 87(2)(b), § 87(2)(g)

Allegation G: Officers spoke obscenely to § 87(2)(b), § 87(2)(b) and § 87(2)(b)

Allegation H: Officers made comments to § 87(2)(b), § 87(2)(b) and § 87(2)(b) based upon ethnicity.

Allegation I: An officer did not process § 87(2)(b)’s complaint regarding officers.

§ 87(2)(b) stated that officers at the 6th Precinct cursed at her, § 87(2)(b) and § 87(2)(b) called § 87(2)(b) a “motherfucker,” made comments to them based on their ethnicity and refused to process a civilian complaint. § 87(2)(b), § 87(2)(g)

Allegation J: Officer Seth Lynch used physical force against § 87(2)(b) .

§ 87(2)(b) also stated that while at the 6th Precinct, PO#2 (Officer Coleman) pushed her while escorting her to the bathroom, which he denied. Officer Lynch stated that he escorted § 87(2)(b) to the bathroom, so this allegation has been pleaded against him. Officer Lynch denied pushing § 87(2)(b) § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: